

COPY in ES

Opinion

June 19, 1958

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Russell Hilliard, Director  
Aeronautics Commission  
Concord Airport  
Concord, New Hampshire

My dear Mr. Hilliard:

This is in reply to your letter of June 6, 1958 in which you made two inquiries relative to the authority of the New Hampshire Aeronautics Commission.

You first inquire whether or not the Commission, upon receipt of an application for approval of an airport site under RSA 422:20, has authority to order a public hearing and broaden the issues to include consideration of other airport sites in the same geographical area irrespective of whether or not application has been made for approval of the other sites.

Your second inquiry is whether or not the Commission on its own initiative may investigate certain airport sites in a given area for the purpose of approving one or more sites.

Our answer with respect to both of your inquiries is in the affirmative. Your attention is directed to RSA 422:8 which authorizes the Commission to engage in any aeronautical activity essential to the progress of aeronautics and which provides in part that "The commission is empowered . . . to conduct such investigations . . . as it shall deem necessary . . . to exercise and perform its powers and duties under this chapter. In administering this chapter the commission, or the director when authorized by the commission, shall have the power to conduct hearings . . ." We also refer you to RSA 422:9 which authorizes the Commission "to hold investigations, inquiries and hearings . . . in connection with any matter relating to aeronautics . . ." It is our opinion that the two sections quoted above are broad enough to authorize the Commission to conduct hearings and investigations in the manner outlined in your inquiry.

Subsequent to your letter of June 6th you sent us by messenger a proposed opening statement for a public hearing in the matter of airports and airport sites in the Hanover-Lebanon area and we believe the same contains accurate statements as to the authority of the Commission.

Very truly yours,

George T. Ray, Jr.,  
Assistant Attorney General

GTR,Jr/m